

HCS HB 555 -- INDIVIDUALS WITH DISABILITIES (Grisamore)

COMMITTEE OF ORIGIN: Special Standing Committee on Disability Services

This substitute changes the laws regarding individuals with disabilities.

DEVELOPMENTAL DISABILITIES WAITING LIST EQUITY TRUST FUND

Beginning January 1, 2011, the substitute authorizes a check-off box for the newly created Developmental Disabilities Waiting List Equity Trust Fund to be added to the individual and corporate income tax forms. A taxpayer may donate to the fund by designating on the form at least \$1 on an individual return or \$2 on a combined return of his or her tax refund amount or by sending a separate check with the payment of his or her taxes. Moneys in the fund cannot be used in lieu of any general state revenues.

DISABILITY HISTORY AND AWARENESS MONTH

The substitute designates October of each year as "Disability History and Awareness Month" in all public schools and requires each school board to annually provide instruction on the topic during the month that expands students' knowledge, understanding, and awareness of individuals with disabilities, the history of disability, and the disability rights movement. The instruction must be integrated into the existing school curriculum and may be delivered by qualified school personnel or knowledgeable guest speakers. The goals of the instruction are to include:

- (1) Instilling sensitivity and encouraging educational cultures that nurture safe and inclusive environments for students with disabilities in which bullying is discouraged and respect and appreciation for students with disabilities is encouraged;
- (2) An understanding that there are individuals with disabilities and they have the same rights and responsibilities as any other person;
- (3) A school community that includes students with disabilities in every aspect of society and acknowledges their unique gifts, talents, and contributions; and
- (4) A society that has reaffirmed a local, state, and federal commitment to the full inclusion in society of and the equal opportunity for all individuals with disabilities.

The Department of Elementary and Secondary Education must

identify and adopt preliminary curriculum guidelines for each school board that incorporate these goals. Higher education institutions are encouraged to conduct and promote activities on their campuses that provide education, understanding, and awareness of individuals with disabilities.

#### DEVELOPMENTALLY DISABLED

All references of "mentally retarded," "mental retardation," or "handicapped" in current state law are changed to "developmentally disabled," "developmental disability," or "disabled" respectively.

#### MO HEALTHNET BENEFITS

Subject to appropriations, the substitute adds comprehensive day rehabilitation services beginning soon after trauma as part of a coordinated system of care for individuals with disabling impairments to the list of services covered under MO HealthNet benefits. Services must be provided in a community-based facility and be authorized on tier levels based on the services and frequency of services the patient requires as guided by a qualified rehabilitation professional associated with a health care home.

Prescribed, medically necessary hearing aids are added to the list of services covered under MO HealthNet benefits. Coverage of hearing aids will be subject to appropriations, and medical need will be verified using an electronic web-based prior authorization system using best medical evidence and care and treatment guidelines consistent with national standards.

#### RENEWAL OF CHILDREN'S PUBLIC ASSISTANCE BENEFITS

The Department of Social Services is required to provide a pre-populated form, completed by the department based on all available information, and a notice to the parent or caretaker relative of a child eligible for MO HealthNet or State Children's Health Insurance Program benefits that the child's eligibility will be renewed and continued based on the available information unless the parent or relative provides other information to the department. If there are no changes in the information, such as income or family composition, the parent or relative is not required to send the form back, and the department must renew the child's eligibility through electronic or other means unless sufficient information is not in the state's possession and cannot be acquired from other sources without the participation of the applicant or his or her parent or relative.

#### MO HEALTHNET OVERSIGHT COMMITTEE

The membership of the MO HealthNet Oversight Committee is increased from 18 to 19 by adding one licensed mental health professional who cares for participants. This member will be appointed by the Governor with the advice and consent of the Senate.

#### SERVICE DOGS

The substitute adds an individual with mental disabilities to the list of people who must be afforded the same rights as those without disabilities to use streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places. An individual with mental disabilities is also entitled to equal accommodation from common carriers, airlines, motor vehicles, trains, buses, taxis, and any other public conveyances or modes of transportation, as well as hotels, places of public accommodation, and other places to which the general public is invited and to be accompanied by a guide, hearing, or service dog in any of these places without being required to pay an extra charge.

#### TERMINATION OF PARENTAL RIGHTS

The substitute specifies that the disability or disease of an individual cannot be the basis for termination of parental rights, or determine that a child is a child in need of care; or to rule that an individual is unfit or not suitable to be an adoptive parent without a specific showing that there is a causal relationship between the disability or disease and a substantial and significant risk of harm to a child or an inability to be a foster parent. In a case involving a parent or foster parent with a disability or disease, the determination must consider the availability and use of accommodations for the disability or disease including assistive technology and support services. The juvenile court will preside over a case that involves a parent with a disability or disease when determining the availability of resources and accommodations.

#### PARKING

All new signs erected beginning August 28, 2011, relating to disabled parking must contain the words "Accessible Parking" and must not contain "Handicap Parking" or "Handicapped Parking."

#### MENTAL HEALTH EARNINGS FUND

The substitute allows the Mental Health Earnings Fund to be used for the deposit of revenue received from the proceeds of any sales and services from Mental Health First Aid USA. Subject to

appropriations, the proceeds must be used to fund Mental Health First Aid USA activities and must be accounted for separately from all other revenues deposited into the fund. The Department of Mental Health is not required to pay the fund for proceeds made from these sales and services.

#### REIMBURSEMENT FOR THE TRANSPORT OF CERTAIN PERSONS TO AND FROM MENTAL HEALTH FACILITIES

A sheriff is allowed to receive reimbursement for the actual costs of transporting a person to and from a mental health facility from a public or private hospital, a not-for-profit charitable organization, the state, or a political subdivision.

The provisions of the substitute regarding the Developmental Disabilities Waiting List Equity Trust Fund will expire December 31 six years from the effective date.

FISCAL NOTE: Estimated Net Cost on General Revenue Fund of Greater than \$10,217,772 in FY 2012, Greater than \$12,540,730 in FY 2013, and Greater than \$12,986,149 in FY 2014. Estimated Net Income on Other State Funds of More than \$100,000 in FY 2012, FY 2013, and FY 2014.